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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,504	08/09/1999	JOHN K. GALLANT	RIC-98-047	8182
25537	7590	12/15/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,504

Applicant(s)

GALLANT ET AL.

Examiner

PHUC H. TRAN

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 11-18, 20, 21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 11-18, 20, 21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-2, 4, 20, 21 & 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mauger et al. (U.S. Patent No. 6507577 B1).**

-With respect to claim 1, Mauger teaches a method of providing quality of service in an Internet Protocol (IP) telephony session between a calling party and a called party (e.g. the voice and media services are provided over IP network through ATM network as Fig. 6), the method comprising:

transporting IP telephony media for said session between said calling party and a first device having IP capability and ATM capability (e.g. Fig. 5 shows user a in the Ethernet to ATM);

transporting IP telephony media for said session between said called party and a second device having IP capability and ATM capability (Fig. 5 show user a and b through Ethernet and ATM);

establishing an ATM virtual circuit for said session between said first device and said second device (e.g. the ATM switch show in Fig. 5); and

securing the ATM virtual circuit by use of proxy addressing (e.g. the proxy server for end to end in Fig. 6).

-With respect to claims 2 & 23, Mauger teaches wherein said first and second devices are routers (e.g. N1 and N2 in Fig. 5).

-With respect to claim 4, Mauger teaches wherein said establishing an ATM virtual circuit between said first and second devices comprises:

identifying a calling party number for said session at said first device; and
identifying a called party number for said session at said second device (e.g. the call ID translation in Fig. 4).

-With respect to claim 20, Mauger teaches a system for providing a quality of service IP telephony session between a calling party and a called party (e.g. the voice and media services are provided over IP network through ATM network as Fig. 6), which comprises:

a first device connected between a IP telephony network and an ATM network, said first device providing bi-directional translation between IP media traffic and ATM traffic (e.g. block 65 in Fig. 6);

a second device connected between said P network and said ATM network, said second device providing bi-directional translation between IP media traffic and ATM traffic (e.g. proxy server in Fig. 6); and

an intelligent control layer for establishing a virtual circuit through said ATM network for an IP telephony session between the calling party and the called party, wherein the first device and the second device are assigned on a per session basis (e.g. session manager Nodes in Fig. 5).

-With respect to claim 21, Mauger teaches wherein: said first device is operably connected to an ingress switch of said ATM network; said second device is operably connected to an egress switch of said ATM network (e.g. Fig. 4 shows ingress and egress).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3, 5, 7, 8, 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauger et al. (U.S. Patent No. 6507577 B1) in view of Borella et al. (U.S. Patent No. 6731642 B1).**

-With respect to claims 3 and 24, Mauger discloses all the aspect of the claimed invention as set forth above but fails to teach wherein said first device is identified by a temporary session IP proxy address for said called party; and said second device is identified by a temporary

session IP proxy address for said calling party. Borella teaches an IP proxy address for the called/calling parties are assigned at the first/second device (col. 5, lines 1-15) for privacy and security in communication. The assignment of IP proxy address can be implemented at the proxy server of Mauger's invention. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of assigning the IP proxy address to calling and called parties for privacy and security in the communication.

-With respect to claims 5, 11-12, and 15-18, Mauger teaches a method of providing quality of service in an IP telephony session between a calling party and a called party, the method comprising:

establishing a switched virtual circuit for the session between the first access control manager and the second access control manager (e.g. Fig. 5);

routing IP media traffic from said calling party to said called party IP proxy address at said first access control manager (e.g. routing user a in IP media to session manager Node N1 in Fig. 5);

routing IP media traffic from said called party to said calling party IP proxy address at said second access control manager (e.g. routing user b in IP media to session manager Node N2 in Fig. 5);

translating IP media traffic received at said called party IP proxy address to ATM traffic for transport through said virtual circuit from said first access control manager to said second access control manager (e.g. IP to ATM as Fig. 5, Fig. 6); and

translating IP media traffic received at said calling party IP proxy address to ATM traffic for transport through said virtual circuit from said second access control manager to said first access control manager (e.g. IP to ATM as Fig. 5, Fig. 6).

Mauger discloses all the aspect of the claimed invention as set forth above but fails to teach wherein said first device is identified by a temporary session IP proxy address for said called party; and said second device is identified by a temporary session IP proxy address for said calling party. Borella teaches an IP proxy address for the called/calling parties are assigned at the first/second device (col. 5, lines 1-15) for privacy and security in communication. The assignment of IP proxy address can be implemented at the proxy server of Mauger's invention. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of assigning the IP proxy address to calling and called parties for privacy and security in the communication.

-With respect to claims 7-8, & 13-14, Mauger also fail to teach wherein said assigning a temporary IP proxy address to the calling/called party comprises selecting an IP proxy address from a pool of calling party IP proxy addresses allocated to said first/second access manager. Borella teaches wherein said assigning a temporary IP proxy address to the calling/called party comprises selecting an IP proxy address from a pool of calling party IP proxy addresses allocated to said first/second access manager (col. 5, lines 5-15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the proxy address for privacy and security in the communication system.

Response to Arguments

6. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
December 12, 2005


